IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 12486 of 2007(J)

PETITIONER:

ARCHANA, D/O SANTHA,
ARCHANA NIVAS, 8, VANDANNOOR, PAZHAYA KUNNUMMAL,
PRESENTLY RESIDING AT EDAVAM VIJAYA VILASOM,
PERINGANMALA PANCHAYAT, THANNOOR VILLAGE,
NEDUMANGAD TALUK.

BY ADV. SRI.M.DINESH

RESPONDENTS:
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1. SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, TRIVANDRUM.

2. DIRECTOR OF ANIMAL HUSBANDRY,
ANIMAL HUSBANDRY DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN
ADV. SRI. P.C.SASIDHARAN, SC FOR PSC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12486/2007 J

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE INTERVIEW CARD ISSUED TO THE PETITIONER BY R1 DT. 23/12/2004.

EXT.P2. COPY OF THE RANK LIST OF POST OF LIVE STOCK INSPECTOR ETC. IN THE ANNIMAL HUSBANDRY DEPT.

EXT.P3. COPY OF THE NOTIFICATION FOR SPECIAL RECRUITMENT FOR THE POST OF LIVE STOCK INSPECTOR ETC. PUBLISHED IN THOZHIL VEEDHI DT. 24/3/2007.

True copy

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.12486 OF 2007-J

Judgment

The petitioner is a candidate, included in Ext.P2 rank list, published by the Public Service Commission for appointment to the post of Live Stock Inspector Grade II and other equivalent posts. It was a special recruitment for Scheduled Tribe candidates alone. The petitioner is Rank No.6 in the said list. She submits, persons ranked upto 4 in the said list, have already been appointed. At present, there are two vacancies in the cadre of Live Stock Inspector Grade II and the Public Service Commission has issued Ext.P3 notification, inviting applications for appointment to those two vacancies, from among SC/ST candidates. So, this Writ Petition is filed, challenging Ext.P3 and praying for a direction to the respondents to advise candidates to those two vacancies from Ext.P2 rank list.

2. I heard the learned Standing Counsel for the Public Service Commission also. He submitted that Ext.P2 rank list was published, based on the request made by the Government, after making an assessment regarding the dearth of Scheduled Tribe candidates. Subsequently, the Government made another assessment and reported two vacancies in the cadre of Live Stock Inspector, to be recruited from among SC/ST candidates, under Rule 17A of the KS & SSR. So, Ext.P3 notification was issued. The learned Standing Counsel further submitted that the selection under Ext.P3 is totally unrelated to Ext.P2 and the candidates in Ext.P2 rank list cannot claim the vacancies notified as per Ext.P3.

3. A candidate included in a rank list for special recruitment can claim only the vacancies notified in that notification. Any additional vacancies, based on the assessment made and reported by the Government, to be filled up from the said rank list can also be filled up, by advising candidates from the said list. But, candidates included in one rank list cannot claim appointment to vacancies notified for special recruitment separately. Further the special recruitment as per Ext.P3 is notified for Scheduled Caste candidates also. In view of the above position, no relief can be granted to the petitioner and the Writ Petition is accordingly dismissed.

24.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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